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(Modified) PTO/SB/21 (6-98)
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1651

TRANSMITTAL FORM

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		Application Number	09/529,369
		Filing Date	April 8, 1998
		First Named Inventor	Ilse Bartke
		Group Art Unit	1651
		Examiner Name	Jon P. Weber
Total Number of Pages in This Submission		Attorney Docket Number	305J-900310US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> receipt acknowledged by postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	JAN 21 2003
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	RECEIVED TECH CENTER 1600/2900
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

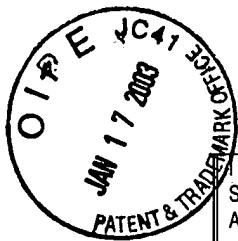
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group, P.C.
Signature	
Date	January 10, 2003

CERTIFICATE OF MAILING

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QUINE INTELLECTUAL PROPERTY LAW GROUP

By: Juliana Hermes
Juliana Hermes

EB
Attorney Docket No:

305J-900310US

Client Ref: SE2000-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ilse Bartke et al.

Application No.: 09/529,369

Filed: April 8, 1998

For: **NGF FOR THE PREVENTION OF
DEMYELINATION IN THE NERVOUS
SYSTEM**

Examiner: Jon P. Wener

Art Unit: 1651

RESPONSE TO RESTRICTION REQUIREMENT

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please reconsider the Restriction Requirement mailed August 13, 2001 in light of the remarks below.

The following documents are submitted herewith:

- 1) Petition for Extension of Time;
- 2) A transmittal sheet
- 3) A receipt indication postcard.

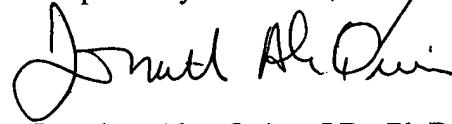
RESPONSE TO RESTRICTION

In response to the Restriction Requirement of **August 13, 2001**, Applicants elect the claims of Group II, claims 7-11 and 16, with traverse.

Applicants note that this application is a 371 national stage application of PCT/EP98/02029. Accordingly, the standards for restriction are those of "unity of invention" pursuant to PCT practice (MPEP at 1850). The Action correctly suggests that unity of invention applies, but then incorrectly supposes that the technical feature for unity is simply NGF. This is not correct. The relevant technical feature in the pending claims is the treatment of diseases in which demyelination of nerve fibers occurs, with NGF and related compounds. Accordingly, the restriction is premised upon an incorrect reading of the technical features of the claims.

Applicants further note that the claims of the international application were examined together, supporting the fact that unity of invention is found in the claims. Moreover, given that the claims were co-examined without any undue difficulty on the part of the international office, the provisions of MPEP § 803 (B) apply, i.e., because it has already been demonstrated that there is no undue burden for examination, the claims should be examined together.

Respectfully submitted,



Jonathan Alan Quine, J.D., Ph.D.
Reg. No. 41.261

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